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SUBJECT: AMBASSADOR AND CG DISCUSS SECURITY AGREEMENT WITH
PM MALIKI

Classified By: Ambassador Ryan C. Crocker for reasons 1.4 b. and d.

11. (S/NF) SUMMARY: Ambassador Ryan Crocker and MNF-I Commanding General (CG) David Petraeus met with Prime Minister Maliki June 26 to discuss a "bridge" security agreement between the United States and Iraq to facilitate continued U.S. support for the GOI while the Status of Forces Agreement negotiations continue. They also discussed ongoing security operations in Amarah, Maysan province, upcoming operations in Diyala province, Iranian support to Special Groups, and reducing firearms in the community. National Security Council Senior Director for Iraq Brett McGurk and Deputy Assistant Secretary of Defense Mark Kimmitt joined Ambassador, CG, and PolMil Min-Couns at the meeting. End Summary.

Security Agreement Protocol

12. (S/NF) After initial pleasantries and some discussion of current and planned security operations, Ambassador and Prime Minister Maliki focused their discussion on the formulation of an agreement in the form of a Memorandum of Understanding or Protocol attached to the Strategic Framework Agreement (SFA) as a bridge agreement to a Status of Forces Agreement (SOFA). Recalling the conversations that the Prime Minister has had with the President and with the Secretary, Ambassador proposed a short Protocol attached to the SFA that would allow U.S. forces to continue to operate in Iraq in support of the GOI. SOFA negotiations, which historically have averaged two years, would continue. Ambassador noted that this protocol would have to be a legally binding agreement to allow U.S. forces to remain in Iraq. It would stipulate full consistency with the Iraqi Constitution and law and require coordination of forces. He advised the Prime Minister that this form of a security agreement could be accomplished by July 31. Ambassador noted that the form of the agreement was flexible as long as it was legally binding.

PM Prefers an MOU

13. (S/NF) The Prime Minister acknowledged the efforts being made, assuring Ambassador that, as he had told the President, he had a genuine desire for an agreement. He envisioned a memorandum to include operational authorities attached to the SFA, adding that he would meet with his negotiating team that evening. The PM noted that difficulties of getting the requisite two-thirds majority of the Council of Representatives (COR) to vote for an agreement, but an MOU would not need COR approval. This form should also help the USG with the U.S. Congress he said. He alluded to success overcoming the hurdle of operational authorities, not the hurdle of legislative concurrence must be passed. He underlined the need to define obligations and commitments in the MOU.

Agreement Must be Legally Binding

¶4. (S/NF) Ambassador reiterated that we could be flexible on form of an agreement to allow U.S. forces to remain in Iraq to support the GOI as long as it was legally binding. Responding to the PM's suggestion that the agreement might require another month, Ambassador reminded the PM of the looming fall election campaigns in both countries - securing an agreement sooner would be better. In further discussion, Ambassador noted that this is likely to be an increasingly contentious political issue if not concluded soon. The PM took the point.

Need for COR Approval

¶5. (S/NF) The PM expressed concerns about the legally binding nature of the agreement, remarking that if the level of legal obligation is so high, the COR would insist on taking action.

General Petraeus responded that the agreement must be legally binding or the U.S. Congress would find it unacceptable. It must enjoy congressional support, he added.

Ambassador noted that "legally binding" would not mean a permanent agreement - all such agreements have a clause allowing cancellation. PM expressed his view that such a cancellation clause would allow a legally binding agreement without COR approval, conferring with NSA Rubaie on this point.

PM Laments the Limits on His Power

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¶6. (S/NF) The PM observed that the U.S. President has far more authority in the United States than the PM does in Iraq, lamenting constitutional restrictions. Observing that "We wanted a democracy and now we've got one," General Petraeus reminded the PM that democracy limits leaders' power. The PM responded further observed that the Iraqi constitution gives governors the authority to import weapons. General Petraeus expressed surprise at such power, the PM then further complained that the Ministry of Interior does not have complete authority over Iraqi Police in the provinces.

Security Agreement Next Steps

¶7. (S/NF) Ambassador suggested that the next course of action be that the U.S. and Iraqi negotiating teams work intensively on the substance of the texts while the PM determine which forum would work best under the Iraqi system for gaining concurrence to the agreement. The PM endorsed the suggestion.

Provincial Elections

¶8. (S/NF) Ambassador pressed the PM to pass the elections law as soon as possible, encouraging him to use his position as Prime Minister to lead all the parties together to reach consensus. PM remarked that he was planning to bring together the various political blocs to address the issue. He noted that there were concerns about the sectarian implications of the elections law and some counseled delay. A two-month delay was possible. General Petraeus agreed that bringing together the leaders of the political party blocs was a good plan, but advised against delay. Ambassador repeated the need to pass the elections law as soon as possible, later reminding the PM that Iraq's friends in the international community would not understand failure to complete the elections law.

Tawafuq in the Government

¶9. (S/NF) Ambassador queried PM on status of negotiations to bring the Tawaffuq party back into the Government. The PM

replied, after conferring with NSA Rubaie, that there were some strains, but that all parties must step up to their responsibilities. Joking, he suggested that he might threaten them with arrest by MNF-I. General Petraeus responded that MNF-I would only have physical custody, but the GOI would be the arresting authority. PM noted that the people of Iraq deserve better leaders - the people seek solutions, the leaders create difficulties, he added. Ambassador expressed appreciation for the PM's efforts and encouraged him to continue for the sake of the country even though Tawaffuq made it difficult. PM lamented the constant shifting of decision-makers and demands of Tawaffuq, indicating that now it looked as if Tawaffuq would receive the Ministry of Higher Education and two new ministerial posts. He encouraged Ambassador to talk with Tawaffuq leadership; Ambassador noted that the Embassy is engaged and will keep at it.

Iranian support for Special Groups

¶10. (S/NF) Ambassador asked the PM about the status of the Jaysh al Mahdi and Special Groups in Basra and Sadr City. PM remarked that Moqtada al-Sadr was not re-forming Special Groups (SG). General Petraeus noted that Iran supports and trains SG criminals. The PM expressed surprise at this, suggesting that this is a question of the U.S.-Iranian relationship. General Petraeus pushed back hard, underlining the importance of Iraq taking a stand against Iranian malign influence and pointing out that the SG were the vanguard of Iran's efforts for Hezbollah-ization of Iraq. PM responded that Iraq must act against all groups regardless of their affiliation, Iranian or Arab, eventually insisting that the GOI would fight ruthlessly against foreign malign actors.

U.S. relations with Iran

¶11. (S/NF) The PM asked if there was any truth to press reports of the U.S. re-establishing a diplomatic presence in Iran. Ambassador responded that the U.S. believes it best to resolve issues with Iran through diplomatic and political means and that the press reports were just that, press reports. The PM subsequently added that the U.S. must not attack Iran from Iraq.

One AK per Family

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¶12. (S/NF) General Petraeus suggested that the GOI re-examine its law allowing each family to keep an assault rifle in the home - this makes the work of Iraqi Security Forces very difficult. He also noted that General Abud, Baghdad Operations Commander, was confiscating assault weapons in parts of Baghdad to improve the security situation. The PM indicated that while eventually some limits might be imposed, the current allowance of one assault rifle per family in the home, not on the street, would remain for the near future. He agreed that a gradual introduction of greater limits would be useful, suggesting Najaf might be the place to introduce such limits.

MNF-I Support

¶13. (S/NF) General Petraeus informed the PM that MNF-I troops had killed the AQI Emir of Mosul and detained the Emir of east Mosul. These operations underscored the need to keep up the efforts in Mosul. Noting that the Emir of Mosul had been released from GOI custody, General Petraeus underlined the need to thoroughly screen candidates for release, adding that MNF-I has released thousands after educational and rehabilitational programs. He also noted that today MNF-I had delivered the 1,000th up-armored Humvee to Iraqi Security

Forces. These were free of charge, the CG added. PM Maliki opined that Iraq had done MNF-I a favor by accepting the Humvees - think of the cost of transporting them to Kuwait, he joked.

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